IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21852 of 2004

Between:

Syed Mazhar Ali, S/o. Syed Abdul Gafoor,
O/o. Commisisoner, Nizamabad Municipality, Nizamabad District.

..... PETITIONER

AND

1 The Commissioner, Nizamabad Municipality,
Nizamabad District.
2 The Honourable Labour Court No.II, Hyderabad, Rep. by its Presiding Officer.

.....RESPONDENS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the orders passed in E.P.No.19/2004 dt. 3-11-2004 on the file of the 2nd respondent-Court and declare the same as illegal, arbitrary and further direct the 2nd respondent -Court to execute the award passed in ID.No.5/2000 dt. 1-5-2003 in terms of Section 11 (B) of I.D. Act

Counsel for the Petitioner:MR.P.RAGHAVENDRA REDDY

Counsel for the Respondent No.1: MR.THIMMA REDDY

Counsel for the Respondent No.2: G.P. for Labour.

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 21852 of 2004

O R D E R:

Challenging the order dated 3.11.2004 in E.P. 19 of 2004, the present writ petition is filed.

Learned counsel for the petitioner contended that under Section 11 (B) of the A.P. Amendment Act for Industrial Disputes Act, the Tribunal is competent to pass appropriate orders not only in respect of attachment of property but also in respect of arrest of persons by following the procedure laid down in the Code of Civil Procedure; hence the order under challenge is not sustainable.

On the other hand, learned counsel for the respondent No.1 contended that there is no provision in the Industrial Disputes Act for attachment of property or arrest of the person when an order is violated.

Section 11 (B) of the Industrial Disputes Act reads as follows:

> "11-B. Power of Labour Court or Tribunal to execute its award by decree:-- A Labour Court or a Tribunal shall have the power of a Civil Court to execute its award or any settlement as a decree of a Civil Court. Vide A.P. Act 32 of 1987, w.e.f. 27.7.1987)".

The above provision makes it clear that the Tribunal has given power to exercise the powers contemplated under the Code of Civil Procedure. Therefore, the provisions of Order XXI would apply to the facts of the case. If that is the case, the tribunal has got power to order attachment of the property or arrest by following the rules under Order XXI of CPC. Therefore, the impugned order is not sustainable.

Hence, the matter is remitted to the 2nd respondent to

pass appropriate orders basing on the material available on record particularly with reference to Section 11-B of the Act, within a period of one month from the date of receipt of a copy of this order by following the procedure.

The writ petition is accordingly disposed of.

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K.C. Bhanu, J.

Date: 13—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner, Nizamabad Municipality,
Nizamabad District.
2 The Presiding Officer, Honourable Labour Court No.II, Hyderabad. .

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